UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK X	
UNITED STATES OF AMERICA,	
-against-	No. 07-CR-564(DLC)
VICTOR PEREZ,	
Defendant.	
X	

SENTENCING MEMORANDUM

 ${\bf MITCHELL\ DINNERSTEIN,\ Esq.}$

Attorney for Defendant, Victor Perez 350 Broadway Suite 700 New York, New York 10013 212-925-0793

Page 2 of 24

MITCHELL DINNERSTEIN

Attorney at Law 350 Broadway, Suite 700 New York, New York 10013 212-925-0793 (Fax) 212-625-3939

March 17, 2008

By ECF and HAND DELIVERED

Hon. Judge Denise Cote **United States District Court** Southern District of New York 500 Pearl Street New York, New York 10007

RE: UNITED STATES V. VICTOR PEREZ

Docket No. 07-CR-00564 (DLC)

Dear Judge Cote:

I write on behalf of my client, Victor Perez, in advance of his sentencing, presently scheduled for March 21, 2008. On December 11, 2007, Victor Perez pleaded guilty before the Honorable Magistrate Judge Theodore Katz to Count 3 of the Indictment, a Money Laundering Count under Title 18 USC 1956(a)(1)(B)(i). For the reasons stated below, I submit that an appropriate substance under the Stipulated Guideline Range of 37 months would be reasonable and just for this defendant. This is Mr. Perez's first contact with the Criminal Justice System.

Victor Perez is presently 29 years old. He was the only child born on February 13, 1979 to Orlando Perez and Luz Ortiz in Rio Pedras, Puerto Rico. Even though his parents were

¹ Under the Plea Agreement in this case, the parties agreed not to seek any departures from the Stipulated Guideline Range of 37 to 46 months. The parties though agreed to argue where under the Guideline Range the defendant should be sentenced in accordance with 18 USC § 3553(a). (pp.2 and 3 of the Plea Agreement)

USA v. Victor Perez

Page 2

divorced when he was two, he maintained a good relationship with both of his parents. He did live in his childhood with his mother and grandmother. His father works as an English teacher. His mother as a guidance counselor. Both parents reside in Puerto Rico.

I have no substantive issues² with the Probation Report. I am writing to the Court to provide more specific details in Mr. Perez's life to aid the Court in understanding how the defendant got involved in the instant offense. These arguments attempt to address the necessary Court's sentencing considerations under 18 USC § 3553(a).

Victor Perez was a student in Puerto Rico before coming to the United States in 2002. He first studied to make eyeglass lenses at the Colegio de Ciences Opticas in Puerto Rico and later took courses in Computer Sciences. He did not finish his school work. Instead, he went to work after beginning a relationship with Jillian Cooney. Ms. Cooney soon after becoming pregnant, left Victor for another man. Ms. Cooney left the child in her mother and Victor's mother's care. The child is still in their joint custody. Victor, believing that there would be more economic opportunity in the United States and clinically depressed over his break-up with Ms. Cooney, decided to come to the United States to seek employment.

Victor did find employment in the United States. He first worked as a driver for Amcare, an agency that drove Senior Citizens for doctor appointments in Jersey City and then at a local factory called JFS, a subsidiary of US Intec. He also began a relationship with Maria Fernandez Enriguez. Victor felt that the jobs he had were poorly paid and unsatisfying and that with his inability to learn sufficient English that his economic opportunities would be better in Puerto Rico where he would also have his family support. So after about a year, he returned to Puerto Rico.

Victor began working at Home Depot, another job he saw as a low level position. He was also making child support payments of \$230 for his child born with Ms. Cooney. While at home, a neighbor of his mother, who he knew from childhood, offered him a job in the United States that sounded good. Toni Gonzales, an older man who grew up in the same apartment complex as Victor, offered him a job in Connecticut where he owned a company that sold automobiles from auctions. Victor's responsibilities would be drive the vehicles when purchased to Gonzales's company in West Hartford, Connecticut. The job would pay more money then he was earning in Puerto Rico and seemed like a good opportunity. Moreover, Victor came to learn 2that Maria Fernandez Enriguez was pregnant and he wanted to be with her in Jersey City.

So Victor returned to Jersey City and took the job in Connecticut. He married Ms. Enriguez in February, 2005. Their child, Daniella, was born in April, 2005. While Mr. Gonzales

²There is an error in the city where the defendant lived in New Jersey. It indicates that 239 Claremont Avenue is in Union City. (¶¶ 44,45) In fact, it is in Jersey City.

USA v. Victor Perez

Page 3

did run an automobile auction business, he also was involved in a cocaine distribution business. Victor was told that his job title would also include picking up money for Gonzales locally.³ Obviously, the money was proceeds of the drug enterprise. Victor's job was to pick up the money in Massachusetts and the Tri-State area and take it to Gonzales. He did that. He also met the co-defendant Ismael Roque through Gonzales at the automobile auction business. Roque sought out Victor on November 10, 2006, the date of the instant offense.

Victor may have been particularly vulnerable by personality to the demands made by Gonzales and later the ones made by Roque. Victor presents as a meek, quiet man who acts much younger than his stated age. He is very close to his mother and grandmother and shows enormous sadness because of what he has put them through. The series of attached letters indicate the manner in which he is seen by his family. (Attached Exhibit A) He was asked to pick up money by Gonzales, which he did naively and had no other involvement with the drug business. Presumably, Gonzales knew Victor's temperament and that he would go along honestly with his directives to pick up the money without asking questions. Victor was unable to say "no" to stronger personality types. This experience has taught him that he must stand up for himself, do what he knows to be right and that he cannot simply go along with the demands of others.

It should also be noted that after Victor was released from jail on a secured bond posted by his mother and other family members in Puerto Rico, he began working for an electronics company in Jersey City as a driver. He has worked there until quite recently. He tries to satisfy his financial obligations to his two children. Victor has told me that he is well liked at work and that he believes that he could continue to work there after his release from prison. (Attached Exhibit B, pay stubs)

In conclusion for the above stated reason, the defendant requests that the court impose a sentence of 37 months.

Respectfully submitted,

Mitchell Dinnerstein Mitchell Dinnerstein

³ Gonzales was murdered in Puerto Rico in September 2006.

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cc.: Brendan McGuire

AUSA

Ross N. Kapitansky United States Probation Officer

EXHIBIT A

December 12, 2007

To whom it may concern:

The one that subscribes, is the mother of Víctor O. Perez Ortiz. My only son has lived with me and my mother. Mrs. Angelina Guzmán, until the age 26 years. In year 2004 he falls in love with a girl from New Jersey and decided to go away behind her and moved to the United States. He grew up in an honest family, workers, and respectful of the laws of our country and by consequent of the United States of America, of which we are citizen. With these values the church grew this young person always visiting the church, being baptized and doing his first communion since this family congregates itself in the Catholic Church. His first years in the school it was Catholic School and school Baptist in who always it showed good behavior and where they taught spiritual values to him. In all his academic life it passed as much with good relations with his pairs as his teachers, orientation and directors; culminating its studies of fourth year. His Degree Associate was prepared in two postsecondary schools Sciences optical and sciences of computer.

Because my son has been always my right hand, helping in the house, specially taking care of with much love its grandma while I worked. He has always been respectful with all members of this family participating always actively in all the familiar activities.

I know my son, and is a respectful young person of the laws, and honest, I make sure of this. My son has many yearnings in his future and chose his nation for it, was there for being able to improve his income, since he has two children by who he must maintain and help them to educate. It has never been a load for the family nor for the government of this country, on the contrary, was working with the Municipal Government in the Electronic Library of this municipality. In addition works at Glendo Laboratory in Puerto Rico and Home Depot. In each work he was responsible and precise.

Thanks for its attention and I hope can consider the trajectory of life that has had Victor as much in the personnel, academic and spiritual.

Resctfully,

Luz E. Ortiz Guzman

María Teresa Ríos Hernández HC-04 Box 44414 Caguas, Puerto Rico 00725

December 10, 2007

To Whom It May Concern:

By this mean, I want to state that I know the young Víctor O. Pérez Ortiz since he was a teenager. At that time, during my incumbency as Director of the José Gautier Benítez High School, the mother of Victor O. Perez, Mrs. Luz Ortiz, was the Counselor of the school. The personal and professional interchange with Mrs. Ortiz allowed me to distinguish the kind of student and human being that her son Victor was. This appreciation was corroborated when this young started his studies in the aforementioned school. As a student, Victor had an excellent conduct. He always demonstrated a superior sense of responsibility and respect towards his mates and the scholar faculty.

While Víctor O. Pérez Ortiz was studying in the university, years after, he worked under my supervision in the Electronic Library System of the Caguas Autonomy Municipality. In this place, Mr. Pérez assisted the students in the research for digitalized information. During his years of performance, Víctor O. Pérez Ortiz maintained a satisfactory record, demonstrating interest for assisting others through his services.

Cordially,

María T. Ríos Hernández



MSC 6241 Station One Bayamón, Puerto Rico 00960 Calle Betances #20 Bayamón, P.R. 00960 Tel. 787-786-7035 / 787-786-7530 / Fax. 787-785-7340 www.institutomeribpr.com

December 12, 2007

To whom it may concern:

I'm a social worker, teacher and the owner and director of Merlix Institute, a post secondary technical school founded in 1985 and located at Bayamón, Puerto Rico

I've known Victor O. Pérez since he was born due to a good relationship with his family. I've had the opportunity to spend time with him in family gatherings and in church activities as well, Victor O. Perez is a respectful and amiable young human being. I have always considered him part of my family.

For the reasons mentioned above, I truly believe that you will consider Victor in this process. Throughout his whole life he has shown qualities of being responsible, honest, respectful and hard worker.

Best regards,

Director - President

FROM : CAGUAS COPY FAX NO. : 7872586499 Dec. 12 2007 02:15PM P5

December 6, 2007

To whom it may concern:

This letter is to certifie that I have known Victor Orlando Pérez Ortíz since he was a child. I worked with his parents for more than twenty years at José Gautier Benítez high school, in Caguas, Puerto Rico, where I worked as a Social Worker.

Victor Orlando Pérez Ortíz was always a normal boy throughout his life in Puerto Rico, he never had any troubles with the police or justice. He was responsible and very amiable person with the school faculty and with his class mates.

I'm available to any other information you wish to request. My phone numbers is (787) 744-5594 and cellular (787) 384-7732.

Maria de los A. Fonseca

Urb. Villa Nueva

Calle 7 O-8

Caguas, Puerto Rico 0727

Case 1:07-cr-00564-DLC

Document 33

Filed 03/17/2008

Page 11 of 24

Departamento de Educación Escuela de la Comunidad

SUPERIOR JOSÉ GAUTIER BENITEZ

gual.co 3556 Capa is. PR. 967 26-5536 Fold Fail 743-6191 • 143-4315



December 6, 2007

To whom it may concern

l'certify through this letter that Jused to be Victor O. Perez's teacher at José Gautier Benitéz High School in Caguas, Puerto Rico.

Victor was a very respectful, quiet, responsible and courteous student. He was always very attentive and eager to learn. The relationship with the rest of his fellow students was a very good one.

As a teacher. I would confirm that Victor is one of those students hard to forget because of his sweetness, good behavior, and cooperation to the class.

If you need further information. I would be available at: 787-385-3780

Yours truly.

Elba Naza**©**

OR JOSE GALTIER BENING 1925

Case 1:07-cr-00564-DLC Document 33 Filed 03/17/2008 Page 12 of 24

FROM : CAGUAS COPY

FAX NO.: 7872586499

Dec. 12 2007 02:15PM P4

FROM:

FAX NO. :

Dec. 10 2007 11:46AM P1

Departamento de Educación Escuela de la Comunidad SUPERIOR JOSÉ GAUTIER BENÍTEZ

Apartado 5536 Caguas, P.R. 00726-5536 Tul. / Fax 743-6101 - 743-4213



December 10, 2007

To whom it may concern:

I meet Victor O. Pérez Ortiz in 1985 when he was twelve years old, approximately. He was an emotionally mature young boy. He is the son of one of my friends.

Next I known Victor as a student of the José Gautier Benitez School. I am counscior at this school for the last fifteen years.

Some of the qualities I have found in Victor are cooperation, responsibility and excellent relationship with his classmates and teachers.

Sincerely,

Antonia Lozada Rosario

School Counselor

Case 1:07-cr-00564-DLC Document 33 Filed 03/17/2008 Page 13 of 24

FROM : CAGUAS COPY -FAX NO. : 7872586499 Dec. 12 2007 02:14PM P3

FROM:

FAX NO. :

Dec. 12 3007 11:36AM P2

To whom it may concern:

Mey grandson Victor D. Perez came to our family as a blessing on February 13th, 1979.

Nis parents were divorced in 1982, as consequent. Wictor was under my care due to the fact that he as very loveable respectful young boy. He was always sweet and loving with me and the rest of the menhers of my family.

Victor and Il have been very close since his mother was working and studying, of he would spend much time with me. He grew up with good examples, under the care and quidonce of my son (his uncle), Victor artiz Guzmon who is retired from the Foclard Post Office and : a Veteran from the Vietnam War- My son always taught victor to be responsable of his acts and above all, horesty.

We all as family have suffered tremendous this incident that my grandson in confronting. I am eighty five years old, and as a grandmother of honalways respected me. I still remember when he was rine years old I had my cutaract eye surgery and Victor was the one who used to take care of me He would help me bathe, welk, and eat.

It is for these reasons that it beg you to please have in consideration the future of my grands . Sincerely, angelina Hung. Present Wellidy

Mr. Mutchell Deinnerstein I send you by fax, the letters you need, also and gone send by mail all the letters.

Sun E. Ortis Victo's mother Case 1:07-cr-00564-DLC Document 33 Filed 03/17/2008 Page 15 of 24

FROM : CAGUAS COPY FAX NO. :7872586499

Dec. 12 2007 02:14PM P2

FROM:

FAX NO. :

Dec. 12 2007 11:35AM P1

To whom it may concern:

My name is Victor Ortiz Gryman. I am sixty one years old and retired from the Federal Post Office Service in Puerto Rico. I am also a voteran from the Vietnam War. I am Victor Ortiz's uncle and godfather. We baptized him when he was two years old. Since then, I have been close to him throughout his childhood and growth; until he decided to go to the United States.

My three children were raised together with Victor as if they were siblings, although they are cousins. Victor always had good relationship with them, loving respecting, and sharing with each other, specially on Christme

Al has always been very respectful, amiable and coordinate the me at all times. For these reasons al ask you to consider Victor O. Perez, since he has many desires to straighten his life and to achieve his goals for his future.

Sincerely July Buguin

FROM : CAGUAS COPY FAX NO. :7872586499 Dec. 12 2007 02:15PM P6



Departamento de Educación Escuela de la Comunidad SUPERIOR JOSÉ GAUTIER BENÍTEZ

Apartado 5536 Caguas, P.R. 00726 5536 Tel. / Fax 743-6101 • 743-4211



December 6, 2007

To whom it may concern

I certify through this letter that Jused to be Victor O. Perez's teacher at José Gautier Benitez High School in Caguas, Puerto Rico.

Victor was a very respectful, quiet, responsible and courteous student. He was always very attentive and eager to learn. The relationship with the rest of his fellow students was a very good one.

As a teacher, I would confirm that Victor is one of those students hard to forget because of this sweetness, good behavior, and cooperation to the class.

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Yours truly,

Elha Nazafih

THER BEN 1925

December 12, 2007

To whom it may concern:

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I know my son, and is a respectful young person of the laws, and honest, I make sure of this. My son has many yearnings in his future and chose his nation for it, was there for being able to improve his income, since he has two children by who he must maintain and help them to educate. It has never been a load for the family nor for the government of this country, on the contrary, was working with the Municipal Government in the Electronic Library of this municipality. In addition works at Glendo Laboratory in Puerto Rico and Home Depot. In each work he was responsible and precise.

Thanks for its attention and I hope can consider the trajectory of life that has had Victor as much in the personnel, academic and spiritual.

Resctfully.

Luz E. Ortiz Guzman

EXHIBIT B

5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306

THE PAYROLL GROUP, INC.

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TOTALS			180.00	1566.00		16.95	163.05

THE PAYROLL GROUP, INC. 5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306

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5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306 THE PAYROLL GROUP, INC.

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THE PAYROLL GROUP, INC.

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5868 - SAL ELECTRICI CO. INC. 83 FLEET S1. JERSEY CITY, NJ 07306

THE PAYROLL GROUP, INC.

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Case 1:07-cr-00564-DLC Document 33 Filed 03/17/2008 Page 22 of 24 THE PAYROLL GROUP, INC.

5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306

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THE PAYROLL GROUP, INC.

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VICTOR PEREZ	6733	3855	8888	01/06/08	19999	

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REGULAR	24.00	91.00	216.00	360.00	FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	13.39 3.13 2.95 .92	5.22
TOTALS		·	216.00	360.00		20.39	195.61

5868 - SAL ELECTRIC CO. INC. 83 (: : 5. JERSEY CITY, NJ 07306

THE PAYROLL GROUP, INC.

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Case 1:07-cr-00564-DLC Document 33 Filed 03/17/2008 Page 23 of 24

5868 - SAI ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306 THE PAYROLL GROUP, INC.

ļ	EM	PLOYEE NAME	<u> </u>	SOCIAL SECURITY	O. JOB NO.	PERIOD ENDED	CHECK NO.	·
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REGULAR	32.00	9,00	288.00	3838.50	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	6.88 17.86 4.18 4.03 1.22 36.00	238.00 55.67 54.10 16.33
TOTALS			288.00	3838.50		1.83	NET AMOUNT 289.83

5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306

THE PAYROLL GROUP, INC.

EM LOYEE NAME	<u> </u>	SOCIAL SECURITY NO.	JOB NO.	PERIOD ENDED	CHECK NO.	
VICTOR PEREZ	6733	3855	8888	12/02/07	19647	,

TYPE HOURS	HOURS	RAT E	CURRENT EARNINGS	YTO EARNINGS	DEDUCTION TYPE	CURRENT AMOUNT	YTD AMOUNT
REGULAR	32.00	9 .100	288.00	4126.50	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	6.88 17.86 4.18 4.03 1.22	
TOTALS			288.00	4126.50		34.17	253.83

5868 - SAL ELECTRIC CO. INC. 83 FLEET ST. JER: EY CLIFY, NJ 07306

THE PAYROLL GROUP, INC.

EMFLOY	YEE NAME	SOCIAL SE	CURITY NO!	JOB NO.	PERIOD ENDED	CHECK NO	
VICTOR PEREZ	6'	733 -	-3855		12/09/07		
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T (DD Links)	_	-		}	, 		· ————		
TYPE HOURS		DURS	RATE	Ĺ_	CURRENT EARNINGS		DEDUCTION TYPE	CURRENT AMOUNT	YTD AMOUNT
REGULAR	31	3. 00	9.1	DO.	288.00	4 .: 0	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	6.88 17.85 4.13 4.03 1.22 257.12	273.72 64.03 62.16 18.75
TOTALS	1		 \$		288.00	:414.50		222.95	NET AMOUNT 510.95

5868 - SALIELECTRIC CO. INC. 83 FLEET ST. JERSEY CITY, NJ 07306

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ſ		MILOYEE NAME		SOCIAL SECURITY NO.	JOB NO.	PERIOD ENDED	CHECK NO.	· · · · · · · · · · · · · · · · · · ·
1		AIREO LEE JANUAR	······································					
1		Ť	[0000	30/33/07	19040	
١	VICTOR PE	RR2	6733	598-10-3855	8888	10/14/07	19040	
	A TO TOK ED	rden –	;					

TYPE HOURS	JOURS	PATE	CURRENT EARNINGS	YTU EARNINGS	DEDUCTION TYPE	CURRENT AMOUNT	YTD AMOUNT
REGULAR	32.0		288.00	1872.00	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	1.22	
TOTALS			288.00	1872.00		16.17	271.83

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THE PAYROLL GROUP, INC.

THE PAYROLL GROUP, INC.

ENPLOYEE NAME		SOCIAL SECURITY NO.	JOB NO.	PERIOD ENDED	CHECK NO.	
VICTOR PEREZ .	6733	598-10-3855	8888	11/04/07	19314	

TYPE HOURS	HOURS	RATE	CURRENT EARNINGS	YTD EARNINGS	DEDUCTION TYPE	CURRENT AMOUNT	YTD AMOUNT
REGULAR	6.50	9 100	328.50	2920.50	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	10.93 20.37 4.76 4.64 1.40	95.09 181.08 42.35 41.20 12.41 189.50
TOTALS			328.50	2)20.50		42.10	NET AMOUNT 286.40

5868 - SAT ELECTRIC ICO. INC. 83 FLEEF ST. JERSEY CITY, NJ 07306 THE PAYROLL GROUP, INC.

EN	PLOYEE NAME		SOCIAL SEC IRITY NO.	JOB NO.	PERIODIENDED	CHECK NO.	
VICTOR DEF	EZ	6733	598-1(-3855	8888	11/11/07	19402	

TYPE HOURS	HOURS	FATE	CURRENT EARNINGS	YID EARLES	DEDUCTION TYPE	CURRENT AMOUNT	YTD AMOUNT
REGULAR	40.00	3 1 00	360.00	3280	FED TAX FICA TAX MED. TAX NJ ST TAX SUI/DBL MISCS1-	14.08 22.32 5.22 5.11 1.53 54.00	109.17 203.40 47.57 46.31 13.94 243.50
TOTALS			360.00	3280.50		5.74	365.74